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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/763,990	01/23/2004	Robert L. Terry	TEC1290-01	8224

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EXAMINER

VON BUHR, MARIA N

ART UNIT PAPER NUMBER

2125

DATE MAILED: 09/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/763,990

Applicant(s)

TERRY ET AL.

Examiner

Maria N. Von Buhr

Art Unit

2125

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 1/23/04, 6/21/04, 9/7/04, 1/21/05 & 7/05/05.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date SEE OFFICE ACTION.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

1. Claims 1-22 are pending in this application.
2. Applicant's claim for domestic priority under 35 U.S.C. §119(e) is acknowledged.
3. Examiner acknowledges receipt of Applicant's information disclosure statements, received 23 January 2004, 21 June 2004, 07 September 2004 and 21 January 2005, with accompanying reference copies. These submissions are in compliance with the provisions of 37 CFR §1.97. Accordingly, they have been taken into consideration for this Office action.
4. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR §1.67(a) identifying this application by application number and filing date is required. See MPEP §§602.01 and 602.02.
5. The oath or declaration is defective, because it does not include the signature of one of the inventors, Rachel Weingrad. This was detailed in the Office communication entitled "decision refusing status under 37 CFR §1.47(a)," mailed to Applicant on 18 August 2005. The period for any response to that Office communication continues to run from its mailing date.
6. Examiner acknowledges receipt of Applicant's formal drawings. These drawings are acceptable.
7. Applicant has incorporated by reference a co-pending application, at page 3 of the specification. Examiner notes that incorporation by reference of an application in a printed United States patent constitutes a special circumstance under 35 U.S.C. §122 warranting that access of the original disclosure of the application be granted. The incorporation by reference will be interpreted as a waiver of confidentiality of only the original disclosure as filed, and not the entire application file, *In re Gallo*, 231 USPQ 496 (Comm'r Pat. 1986). If Applicant objects to access to the entire application file, two copies of the information incorporated by reference must be submitted along with the objection. Failure to provide the material within the period provided will result in the entire application (including prosecution) being made available to petitioner. The Office will not attempt to separate the noted materials from the remainder of the application. Compare *In re Marsh Engineering Co.*, 1913 C.D. 183 (Comm'r Pat. 1913).
8. The following is a quotation of the second paragraph of 35 U.S.C. §112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which Applicant regards as his invention.

9. Claims 6, 11 and 12-22 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

In claims 6 and 13, the phrase “real power” has no definition, and accordingly, has no metes and bounds. Further, claim 13 has no concluding punctuation.

In claim 11, one occurrence of “The control” should be deleted.

In claim 12, the limitation “may be individually excluded from the control and protection system without affecting the functionality of the remaining ones of said plurality of modules” is indefinite, because “without affecting” has not been defined and, accordingly, has no clear metes and bounds. Furthermore, the limitation has been presented as a mere statement of desired, which has no structural nor functional support within the claim language.

In claim 17, there is no clear and proper antecedent basis for “said local controller” nor “said sensor circuit,” since inconsistent terminology has been used.

In claims 18 and 22, there is no clear and proper antecedent basis for “said sensor circuit,” since inconsistent terminology has been used.

The remainder of the claims are rejected as necessarily incorporating the above-noted ambiguities of their parent claims.

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. §102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

11. Claims 1-11 and 17-22 are rejected under 35 U.S.C. §102(b) as being clearly anticipated by Madenokouji et al. (U.S. Patent No. 6,082,122; cited by Applicant), which discloses a “method for calibrating physical quantities such as voltage value and a current value, which are detected by detecting means,” for controlling an air conditioning system (col. 1, lines 8-15). Madenokouji et al. teach “some air conditioners allow information exchange with such solar generator, and also utilize, as one of operation information, information based on electric power (i.e., an value of power generated by a solar cell) outputted from a system interconnection generator. On the other hand, in a case in which abnormality such as power supply interruption occurs in the commercial power source when electric power generated

by a system interconnection generator is supplied as the commercial power source, it is necessary to stop supply (generation) of electric power so as to prevent a harmful influence caused by an individual operation of the system interconnection generator. For this reason, the microcomputer for controlling power generation of the system interconnection generator includes a protective function which operates based on a constant set by a dip switch, a rotary switch, or the like. This protective function requires various parameters so as to monitor the state of a line of a commercial power source. An operator sets, by effecting input setting using a dip switch or effecting input using a rotary switch, a variable resistance, and an A/D conversion input device, a parameter based on a location where the system interconnection generator is installed or the kind of a system to be interconnected. The set parameter is converted to a corresponding signal and is stored in the microcomputer. As a result, when the state of the line of the commercial power source exceeds any parameter, the protective function becomes effective (active) to parallel off the system interconnection generator from the line of the commercial power source" (col. 1, line 41 - col. 2, line 2). Madenokouji et al. further teach that "according to a calibration method of a detecting section of the present invention, prior to a substrate having a detecting section to which detecting means for detecting an object to be detected or an value of an object to be detected is connected being incorporated into a solar generator, in a measuring process, a reference value of the objected to be detected in the detecting section is measured by the detecting section. In this case, for example, when a solar generator is used as a system interconnection generator, the object to be detected may be output voltage and output current of a solar cell, a step-up circuit, and an inverter circuit, a temperature of a heat sink which prevents increase of the temperature of an inverter circuit to a high temperature, and the like" (col. 3, lines 17-30), and that "further, in the air conditioner with a system interconnection generator of the present invention, in the interior of a room where the indoor unit of the air conditioning portion is provided, writing and rewriting of a parameter stored in the storing means such as a nonvolatile memory are allowed by the operating means. As a result, the parameter for monitoring electric power generated by the system interconnection generating portion and electric power of a commercial power source can be set by writing a concrete numerical value. Further, there is no possibility that the set parameter be deleted accompanied with the operating state of the system interconnection generating portion, and the parameter can also be easily stored finely and for each of a large number of items. Further, the parameter (default value) stored at the time of forwarding the apparatus from the factory can be easily corrected in accordance with the location where the system interconnection generator is installed or the state in which the system interconnection generator is installed. As a result, it is not necessary to mount a member such as a dip switch or provide an exclusively used port, and various parameters can be set by using a conventional apparatus as it is. Accordingly, a proper parameter can be easily set without increasing the number of parts" (col. 4, lines 44-67). See, also, at least, Figs. 3-6, with associated text.

12. Claims 12-16 are rejected under 35 U.S.C. §102(b) as being clearly anticipated by Ciliox et al. (U.S. Patent No. 6,509,654; cited by Applicant), which discloses a control for an air conditioning system, wherein "it is provided that the monitoring components feature a sensor device with, depending on need, at least a humidity sensor, a door end switch, a temperature gauge, a vibration sensor, a smoke detector, a current transducer, a voltage transducer and/or a customer temperature sensor. Such monitoring components allow different types of information with regard to varying operating conditions and safety measures to be collected and evaluated. The signal transfer and processing is carried out in a simple manner in that the sensing arrangement is connected bidirectionally with the central control device through an input interface. The operating reliability of the entire monitoring system is improved as a result of measures where the monitoring components feature function monitoring that includes a voltage supply device and operating value monitoring that allows for a switch over to an emergency power if the normal power supply is interrupted. Such switch over results in programmed emergency functions being appropriately maintain and the central control device separately buffered. The air conditioning system is organized in a simple manner and visually arranged for clarity with regard to control and regulation. Measures are taken such that the control subassemblies feature a regulating and control interface that is bidirectionally connected to both the central control arrangement and to an air conditioning device. Such air conditioning device includes, depending on requirements, at least a heat exchanger, a fan, a cooling device, a heater and/or a customer fan such that the signals required for the regulation and control can be generated in the regulation and control interface, and the air conditioning device can be controlled by corresponding signals from the central control device. An overview of the operating status and the ability to control it through the corresponding output devices are provided in that the control components feature an output interface that is bidirectionally connected to both the central control unit and to an output device. Such output device features, as required, at least a relay, an optical coupler, a bus system output, a telemetry output, a PC interface output, an analog signal output, a display device, an LED display and/or a symbol display unit with symbol display elements. Signals generated from the central control device can be transduced in the output interface to actuate the output device. If it is provided that a programming and keying unit and/or a master terminal are bidirectionally connected to the central control device such that test procedures held in permanent memory can be called up using the programming and keying device and certain parts of programs can be changed and/or customer specific reference values can be entered, then function testing and changes in the set parameters, such as temperature set point values, can be undertaken at any time and in a simple manner. In this way adjustment with regard to changed conditions is also readily possible" (see, at least, col. 2, lines 1-54).

13. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure. Applicant is advised to carefully review the cited art, as evidence of the state of the art, in preparation for responding to this Office action.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Maria N. Von Buhr whose telephone number is 571-272-3755. The examiner can normally be reached on M-F (9am-5pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Picard can be reached on 571-272-3749. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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